

## Railroad Retirement Board

## § 216.22

using the rules contained in §§216.13 and 216.17.

### **§216.16 What is regular non-railroad employment.**

(a) Regular non-railroad employment is full or part-time employment for pay.

(b) Regular non-railroad employment does not include any of the following:

- (1) Self-employment;
- (2) Temporary work provided as relief by an agency of a Federal, State, or local government;
- (3) Service inside or outside the United States for an employer under the Railroad Retirement Act, even if the employer does not conduct the main part of its business in the United States;
- (4) Involuntary military service not creditable under the Railroad Retirement Act;
- (5) Employment with the following agencies of the United States Government:
  - (i) Department of Transportation;
  - (ii) Interstate Commerce Commission;
  - (iii) National Mediation Board;
  - (iv) Railroad Retirement Board;
  - (v) National Transportation Safety Board; or
  - (vi) Surface Transportation Board.
- (6) Employment entered into after early retirement by an employee who is receiving an annuity under Conrail's voluntary annuity program. This program is provided under the Staggers Rail Act of 1980 (Pub. L. 96-448); or
- (7) Employment with the Alaska Railroad so long as it is an instrumentality of the State of Alaska.

[56 FR 28692, June 24, 1991, as amended at 62 FR 11324, Mar. 12, 1997]

### **§216.17 What amount of regular non-railroad employment will break a current connection.**

The amount of regular non-railroad employment needed to break a current connection depends on when the applicable 30-month period ends (see §216.13 of this part), as follows:

(a) If the 30-month period ends in the calendar year before or in the same calendar year as the annuity begins or the month the employee dies, the current connection is broken if the employee:

(1) Works in each month in the interval after the end of the 30-month period and before the earlier of the month the annuity begins or the employee dies; or

(2) Works and earns at least \$200 in wages in any 3 months within the interval described in paragraph (a)(1) of this section.

(b) If the 30-month period ends more than a year before the calendar year in which the annuity begins or the employee dies, the current connection is broken if the employee:

(1) Works in any 2 consecutive years wholly or partially within the interval after the end of the 30-month period and before the month the annuity begins or the employee dies, whichever is earlier; and

(2) Earns at least \$1,000 in wages in any year wholly or partially within the interval described in paragraph (b)(1) of this section (but not counting earnings during the 30-month period and after the annuity beginning date), even if that year is not one of the 2 consecutive years described in paragraph (b)(1) of this section.

## **Subpart C—Railroad and Last Non-Railroad Employment**

### **§216.21 General.**

To be eligible for an employee, a spouse, or a divorced spouse annuity, the Railroad Retirement Act requires that an applicant must stop work for pay performed as an employee for a railroad employer. In addition, no employee, spouse or divorced spouse annuity may be paid for any month in which the employee, spouse or divorced spouse annuitant works for pay for any railroad employer after the date his or her annuity began. No annuity may be paid to a widow or widower, surviving divorced spouse, remarried widow or widower, child, or parent for any month such individual works for pay for a railroad employer.

### **§216.22 Work as an employee which affects payment.**

(a) *Work for a railroad employer.* Work for pay as an employee of a railroad employer always prevents payment of an annuity.

(b) *Work for last non-railroad employer.* Work for pay in the service of the last